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# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shah, Chetan

Group Art Unit: 3629

Serial No.: 09/757,322

Examiner: Ouellette, Jonathan P

Filed : 01/09/01

Title : EMPLOYMENT RECRUITING SYSTEM

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June 30, 2003

Assistant Commissioner for Patents
Washington, DC 20231

## APPEAL BRIEF ON BEHALF OF APPLICANTS

Dear Sir:

### BACKGROUND

This brief is in furtherance of the Notice of Appeal, filed herewith for this case.

The fee required under 37 C.F.R. § 117 accompanies the Notice of Appeal.

This brief is transmitted in triplicate. (37 C.F.R. 1.192(a))

This brief comprises these subjects under the headings, and in the order, set forth below:

I.  Real Party in Interest

II.  Related Appeals and Interferences

III.  Status of Claims

IV.  Status of Amendments

V.  Summary of Invention

VI.  Issues

VII.  Grouping of Claims

VIII. Argument

IX. Conclusion

X. Appendix

The final page of this brief bears the practitioner's signature.

## Real Party in Interest

The real parties in interest in this appeal is the party in the caption of this brief and the co-inventors, Badri Malynur and Eric Smith, who all have assigned their rights to Northwest Software, Inc.

## Related Appeals and Interferences

There are no other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in this appeal.

## Status of Claims

A.  Total Number of Claims in the Application -     20

B.  Status of All Claims

|  |  |
|---|---|
| Claims canceled: | None |
| Claims withdrawn: | None |
| Claims pending: | 1-20 |
| Claims allowed: | None |
| Claims rejected: | 1 - 20 |

C.  Claims on Appeal                                     1-20

A copy of the claims on appeal is set forth in the Appendix to this Brief.

## Status of Amendments

No amendment has been filed subsequent to final rejection.

## Summary of the Invention

The application relates to an employment recruiting system and, more particularly, a method and system for automating services related to employment recruiting (pg. 1, lines 9-11).

The objective of employment recruiting is to locate and qualify candidates for available positions of employment and generally, requires communicating the availability of a job opening to persons who may be interested in the position, establishing contact between potential job candidates and employers, and screening and interviewing a group of candidates to identify the candidate or candidates most suited for the position (pg. 1, lines 12-17). When a position of employment becomes available, a position advertisement, typically including the job title; the job duties; and education, skills and certification requirements for the position is usually prepared and communicated to potential candidates by publication in print media, such as newspapers and magazines, or by posting on one or more billboard type web sites (pg. 6, lines 4-20).

A position advertisement may also be submitted to the recruiting system of the present invention for inclusion in a positions database, a computer searchable data structure (pg. 7, lines 6-10). The system can display template screens facilitating the description of a position's duties and the desired qualifications of a candidate, including a single line entry form. (pg. 7, lines 17-22). The single line entry form provides a crisper description of the job requirements and candidate qualifications permitting more accurate and thorough automated screening of potential candidates and facilitating a focused response from the candidate emphasizing the correspondence of the candidate's experience and the specific needs of the employer (pg. 7, line 17 - pg. 8, line 8). The system also includes job templates providing predefined single line job description elements and prompts the user to associate keywords and screening questions with the position advertisement for automated searching and candidate pre-screening (pg. 8, lines 15 - pg. 9, line 6).

Job seekers or candidates can post a resume to or modify an existing resume in the candidate database or search positions in the positions database and the system can display resume templates to facilitate the automated processes of the recruiting system and manual review of candidate resumes (pg. 9, lines 7-17). E-mail messages can be directed to or from the candidate through the recruiting system, providing an opportunity for a focused response by the candidate emphasizing the correspondence of the candidate's experience, training, and skills to the requirements of the position advertisement (pg. 9, lines 18-30).

Many of the automated functions of the recruiting system are performed by a recruiting

robot comprising a data processing device including a set of instructions that causes the robot to search the candidate database and designated resume databases of outside resources to locate candidates matching the requirements of the stored position advertisements (pg. 10, lines 11-16). Outside resources can include company web sites, electronic bulletin boards providing free or "for fee" access to resume databases, and web-based news groups of interest to certain occupations or groups. Search parameters, including keywords, database identities, and the periodicity of searches are associated with a position advertisement. As instructed in the search parameters associated with a position advertisement, the robot periodically obtains the appropriate keywords and searches the appropriate databases for potential candidates to fill the position (pg. 10, lines 19-29).

The robot includes a scoring instruction that scores the candidate's resume, typically as a function of the occurrences of keywords in the resume and any significance assigned to keywords in the search parameters. If the scoring exceeds a threshold established, the robot will download the resume to the candidate database (pg. 10, line 29 - pg. 11, line 8), The robot periodically repeats the search of the specified databases as instructed in the search parameters (pg. 11, lines 7-9).

When the robot 38 identifies a potential candidate either from the candidate database or the database of an outside resource, it extracts the candidate's e-mail address from the resume, sends e-mail to the potential candidate inviting the individual to apply for the advertised position, and periodically requests an update of the candidate's availability (pg. 12, lines 3-24).

The robot can be directed to contact candidates and request a response to pre-screening questions associated with the position advertisement (pg. 11, lines 18-21). When the candidate contacts the system, the pre-screening questions are displayed and answers are accepted, scored and reported to the recruiter associated with the position advertisement (pg. 11, lines 21-29).

When directed by the recruiter and the candidate, the recruiting system can contact references listed in the candidate's resume and store responses in association with the candidate's resume and forward the response to the recruiter (pg. 12 line 30 - pg. 13, line 5).

When the hiring manager receives a group of resumes to consider, the high level screening has been completed and the most suitable candidates identified. Since many of the tasks involved in locating and qualifying job candidates are performed with little or no human intervention, the time and expense of hiring activities can be substantially reduced (pg. 13, lines 6-14).

## Issues

I. Are claims 1-3, 6-10, and 15-18 patentable under 35 U.S.C. 103(a) over www.monster.com, screen print, 1/24/1998 (Monster) in view of Imanaka et al., US Patent No. 6,064,952 (Imanaka)?

III. Are claims 4-5, 11-14 and 19-20 patentable under 35 U.S.C. 103(a) over McGovern, US Patent No. 5,978,768 (McGovern) or www.monster.com, screen print, 1/24/1998 (Monster) in view of Imanaka et al., US Patent No. 6,064,952 (Imanaka) and further in view of Fredrickson et al., US Pub. No. 2002/00119768 A1 (Fredrickson)?

## Grouping of Claims

For the purposes of this appeal each of the following groups of dependent claims are separately patentable for the reasons stated in the Argument section of this Brief:

- A. Claims 4 and 5.
- B. Claims 8, 9, and 10
- C. Claim 12
- D. Claims 19 and 20

## Argument

**I. Are claims 1-3, 6-10, and 15-18 patentable under 35 U.S.C. 103(a) over www.monster.com, screen print, 1/24/1998 (Monster) in view of Imanaka et al., US Patent No. 6,064,952 (Imanaka)?**

Independent claims 1 and 15 stand twice and finally rejected under 35 U.S.C. 103(a) as being unpatentable over www.monster.com, screen print, 1/24/1998 ("Monster") in view of Imanaka et al., US Patent No. 6,064,952 (Imanaka). The appellants submit that for a claim to be obvious under 35 U.S.C. 103, there must be some suggestion or motivation in either the references themselves or the knowledge generally to modify or combine the reference teachings, a reasonable expectation of success, and the references must teach or suggest all of the claim limitations (MPEP 2143). According to the office action (pg. 2, para. 3), "Thomas" (presumably, Monster) discloses a method of employment recruiting, but the office action

concedes that Monster fails to expressly disclose steps (d), (e) and (f) of claims 1 and 15; that is, Monster does not disclose associating a search periodicity with a position advertisement; upon expiration of a period substantially equal to the search periodicity, searching a candidate database for a resume including a specified keyword (pg. 2, para. 4); and scoring a candidate resume identified by the search as a function of the keyword (pg. 3, para. 7).

While the office action concedes that Monster does not disclose searching a resume database using the steps recited in claims 1 and 15, it asserts that Monster teaches "performing continuous resume search" through a system called "Cruiter" (pg. 3, para. 5) and that it would have been obvious to modify the teaching of Monster to perform periodic searching (pg. 3, para. 6). The office action does not indicate the basis for concluding that Monster teaches a system performing continuous resume searching or the nature of the disclosed continuously searching system. Page 5 of the Monster screen print states that the "resume search agent will search high and low and 'round-the-clock to deliver the best prospects right to you," but the appellants submit that continual or "'round-the-clock" availability to search is a characteristic of computer-based searching and that the phrase is equally descriptive of a system that is available to a user at all times as it is descriptive of a system that continuously searches. Further, the appellants respectfully submit that once a resume database has been searched, there is, generally, no reason to search again until it is anticipated that at least one new resume has been added; resumes are discrete and added intermittently to a database; employment recruiting does not typically require instantaneous identification of a new addition to a resume database; and continuous searching would be an inefficient use of resources. Moreover, the appellants respectfully submit that an operable continuously searching system or a system modifiable to search upon expiration of a search periodicity related to a position advertisement cannot be presumed from Monster because it is not an enabling disclosure, that is, it is not so particular and definite that "from it alone, without experiment or the exertion of his own inventive skill any person versed in the art to which it pertains could construct and use" such a searching system. *In re LeGrice,* 133 USPQ 365, 369, 49 CCPA 1124, (CCPA 1962). In addition, the appellants respectfully submit that Monster does not suggest or provide a motivation for the modification of the Monster system suggested in the office action and even the office action does not suggest a motivation for modifying a system that "appears to be an improvement on the claimed invention." In any event, the appellants respectfully submit, and the office action concedes, that Monster does not disclose associating a search periodicity with a position advertisement and searching a candidate database for a resume including a specified keyword

upon expiration of a period substantially equal to the search periodicity and the appellants respectfully submit that such a system, the modifications necessary to create such a system, and the motivation to make those modifications cannot be presumed to be from the ambiguous disclosure of Monster.

In addition, the office action concedes that Monster fails to expressly disclose the step of scoring a candidate resume identified by the search as a function of a keyword. The office action asserts (pg. 3, para. 8), however, that Imanaka discloses "scoring a search item (unit) as a function of keywords" (Abstract, FIG. 1) and it would have been obvious to have included candidate resume scoring as a function of keywords, as disclosed by Imanaka with the system of Monster to offer "an employer additional sortation methods for resumes matching predetermined criteria" (pg. 3, para. 9). Imanaka discloses a method and apparatus for abstracting information by extracting and displaying keywords from character strings (Abstract, lines 1-3). The abstracting apparatus comprises an input section that divides the input character string data into prescribed units from which keywords are extracted, a keyword score calculating section, and an output section for displaying the resulting information abstract (Abstract, lines 11-19). The appellants respectfully submit that Imanaka does not disclose a system for "scoring a search item (unit) as a function of keywords" but discloses a system that scores keywords on the basis of the number of units of character string data containing the word (Abstract, lines 13-16). The appellants respectfully submit that Imanaka discloses a system that permits a user to summarize the resumes of a database on the basis of the popularity of words used in the resumes, but does not disclose a system for scoring and selecting units of text, including resumes, on the basis of keywords used in the resume. Further, while sorting keywords on the basis of popularity may have utility as suggested in the office action, the appellants respectfully submit that Imanaka does not suggest or provide a motivation for modifying the abstracting system to create a resume scoring system and, therefore, does not provide a motivation for combining the modified system with Monster. The appellants respectfully submit that claims 1 and 15 are not obvious from the combination Monster and Imanaka because neither Monster nor Imanaka nor the combination thereof suggests a method of identifying a candidate for employment or an employment recruiting system having all of the limitations of claims 1 and 15; suggest or provide a motivation for modifying the respective disclosures to create elements that could be combined to create the method and system of claims 1 and 15; or provide sufficient disclosure to ensure a reasonable likelihood of success in making the modifications suggest by the office action. The

appellants request reversal of the rejection of claims 1 and 15.

Claims 2 and 3 are dependent from independent claim 1 and, therefore, inherit all of the limitations of the claim from which they depend. Since claim 1 is not obvious from the combination of Monster and Imanaka for the reasons set out above, dependent claims 2 and 3 are, likewise, not obvious from the combination of Monster and Imanaka. See *In re Fine*, 837 F2d 1071, 5 USPQ2d 1956 (Fed Cir 1988) which held that a claim, depending from an independent claim which is nonobvious under §103, is not obvious. In addition to the Abstract and FIG. 1 of Imanaka, the office action cites claims 1 and 2 of Imanaka in support of the rejection of claims 2 and 3. The appellants submit that while claims 1 and 2 of Imanaka refer to weighting a score for a keyword on the basis of "the number of prescribed units from which the keyword was extracted" or the "frequency of occurrence of the keyword in each prescribed unit" of characters, claims 1 and 2 do not suggest selecting a "prescribed unit" of character string data on the basis of the weighted score. The appellants respectfully submit for the reasons set out above that claims 2 and 3 are not obvious from Monster and Imanaka and request reversal of the rejection.

Claim 6 is dependent from independent claim 1 and, therefore, inherits all of the limitations of the claim from which it depends. Since claim 1 is not obvious from the combination of Monster and Imanaka, for the reasons set out above, dependent claim 6 is not obvious from the combination of Monster and Imanaka for at least the reasons set out above with regard to claim 1. The appellants also respectfully submit that Monster does not disclose associating an identify of a computer searchable database with a position advertisement and, for reasons stated with regard to claim 1, submit that the step of searching the associated database in response to expiration of a search periodicity associated with the position advertisement is not obvious from Monster. The appellants submit that claim 6 is not obvious from the combination Monster and Imanaka because neither Monster nor Imanaka nor the combination thereof suggests a method of identifying a candidate for employment or an employment recruiting system having all of the limitations of claims 6, suggest or provide a motivation for modifying the respective disclosures to create the method of claim 6, or provide sufficient disclosure so that the necessary modification and combination are reasonably likely to succeed. The appellants request reversal of the rejection of claim 6.

Claim 7 is dependent from independent claim 1 and, therefore, inherits all of the limitations of the claim from which it depends. Since claim 1 is not obvious from the combination of Monster and Imanaka, for the reasons set out above, dependent claim 7 is not

obvious from the combination of Monster and Imanaka for at least the reasons set out above with regard to claim 1. In addition, the appellants respectfully submit that neither Monster nor Imanaka discloses or suggests searching a network accessible database of resumes and copying a resume to another database on the basis of an occurrence of a keyword in the text of the resume. The appellants respectfully submit that claim 7 is not obvious from the combination Monster and Imanaka because neither Monster nor Imanaka nor the combination thereof suggests a method of identifying a candidate for employment or an employment recruiting system having all of the limitations of claim 7, suggest or provide a motivation for modifying the respective disclosures to create the method of claim 7, or provide sufficient disclosure so that the necessary modification and combination are reasonably likely to succeed. The appellants request reversal of the rejection of claim 7.

Claim 8 is dependent from independent claim 1 and claims 9 and 10 are dependent from claims 8 and 9, respectively. Claims 8, 9, and 10 inherit all of the limitations of the claims from which each respectively depends. Since claim 1 is not obvious from the combination of Monster and Imanaka for the reasons set out above, dependent claims 8, 9, and 10 are, likewise, not obvious from the combination of Monster and Imanaka for at least those reasons. In addition, the appellants submit that Monster does not disclose or suggest a position advertisement template, including at least one candidate qualification entry that comprises no more than one candidate qualification or suggest a motivation for creating such a template. The appellants respectfully submit that dependent claims 8, 9, and 10 are not obvious from the combination of Monster and Imanaka because Monster and Imanaka do not disclose all of the limitations of the claims or suggest or provide a motivation for modifying the respective disclosures to create the method of the claims. The appellants respectfully request reversal of the rejection of claims 8, 9, and 10.


**III. Are claims 4-5, 11-14 and 19-20 patentable under 35 U.S.C. 103(a) over McGovern, US Patent No. 5,978,768 (McGovern) or www.monster.com, screen print, 1/24/1998 (Monster) in view of Imanaka et al., US Patent No. 6,064,952 (Imanaka) and further in view of Fredrickson et al., US Pub. No. 2002/00119768 A1 (Fredrickson)?**

While claims 4-5, 11-14 and 19-20 stand rejected as unpatentable under
35 U.S.C. 103(a) over McGovern, US Patent No. 5,978,768 (McGovern) in view of

Imanaka et al., US Patent No. 6,064,952 (Imanaka) and further in view of Fredrickson et al., US Pub. No. 2002/00119768 A1 (Fredrickson), the reasons provided in the office action for the rejection of these claims refer to the combination of Monster, Imanaka, and Fredrickson but do not mention McGovern.

With regard to claim 11, the office action asserts that (as explained with regard to claims 1 and 15), Monster and Imanaka disclose a method of employment recruiting comprising the steps (a) - (g) of claim 11. To the contrary, the appellants submit, for the reasons stated above with regard to claims 1 and 15, that the combination of Monster and Imanaka does not disclose or make obvious a method of employment recruiting including the steps of associating a search periodicity parameter in a computer searchable database; initiating a computer search of at least one computer searchable candidate database for a candidate resume including the prescribed keyword in response to expiration of a period substantially equal to the search periodicity parameter; scoring a candidate resume identified by the search as a function of an included keyword; and including an identification of a candidate associated with the resume in a result reportable to a user if the keyword score of the resume at least equals a threshold keyword score.

McGovern describes a computerized job search system that includes a computer-based "personal search agent" that permits a job seeker to periodically monitor new position advertisements posted on an employment bulletin board and identify matches between the job seeker's qualifications and interests and the requirements of an advertised position. The system of McGovern also permits a user to search for resumes in a database containing a keyword but does not permit or suggest associating a search periodicity with a position advertisement, automatically searching a database upon expiration of a period substantially equal to the search periodicity, scoring resumes as a function of a keyword, or presenting the identity of a candidate associated with a resume to a user on the basis of a resume score. The appellants submit that claim 11 is not obvious from a combination of McGovern and Imanaka for the same reasons that claim 11 is not obvious from the combination of Monster and Imanaka.

In addition, the office action concedes that Monster and Imanaka fail to disclose a method including steps (h)-(j) recited in claim 11. However, the office action asserts that Fredrickson teaches incorporating a screening system with an employment system (Abstract, para. 0163-0164). Fredrickson was filed January 2, 2001 and claims the benefit of the U.S. Provisional Application, serial No. 60/173,669, which, according to paragraph 0001, was

filed Dec. 30, 2000. The appellants submit that the December 30, 1999 filing date for the provisional application, indicated on the cover page, is an error because it is inconsistent the filing date claimed in the specification and because one cannot claim the benefit of the filing date of a provisional application filed more than 12 months prior to the filing date of the associated non-provisional application (35 U.S.C. §119(e)(1). With the amendment of February 25, 2003, the applicants filed a Declaration of Prior Invention in the United States to Overcome a Cited Patent or Publication asserting invention by at least February 14, 2000 (Exhibit A) and the appellants submit that Fredrickson is not prior art to the instant application. The appellants respectfully submit that claim 11 is not obvious from the combination Monster, Imanaka and Fredrickson because neither Monster nor Imanaka nor the combination thereof suggests or provide a motivation for modifying and combining the respective disclosures as suggested in the office action; there is insufficient disclosure to permit the suggested modifications and combination to proceed with a reasonable likelihood of success; and because Fredrickson is not prior art to the application and the office action concedes that Monster and Imanaka combined do not suggest a method of employment recruiting having all of the limitations of claim 11. The appellants respectfully request reversal of the rejection of claim 11.

Claims 12 - 14 are dependent from independent claim 11 and inherit all of the limitations of the claim from which they depend. Since claim 11 is not obvious from the combination of Monster, Imanaka, and Fredrickson for the reasons set out above, dependent claims 12 - 14 are not obvious from the combination of Monster, Imanaka, and Fredrickson for at least the reasons set out with regard to claim 11. In addition, with regard to claim 12, the office action concedes, that the combination of Monster, Imanaka, and Fredrickson fail to disclose requesting candidate approval of contact with an employment reference; automatically requesting a response of the reference to a reference query, in response to receipt of approval of the request by the candidate; and reporting the response to the reference query to a computer user. While the examiner has taken official notice that employment reference checks were known at the time the invention was made, the appellants submit that a method of employment recruiting in which an employment reference is automatically requested to respond to a reference query and in which the response of the employment reference is reported to a computer user are not facts which are "capable of such instant and unquestioned demonstration so as to defy dispute" and, therefore, obvious from official notice unsupported by documentary evidence. *In re Ahlert*, 424 F.2d1088, 1091, 165 USPQ 418, 420 (CCPA 1961). Further, with regard to claim 13, the appellants submit that while Imanaka and, more

specifically, claims 1 and 2 of Imanaka, discloses weighting or influencing the score of an extracted keyword, Imanaka does not suggest scoring a resume as a function of the significance of an included keyword. The appellants request reversal of the rejection of claims 12-14.
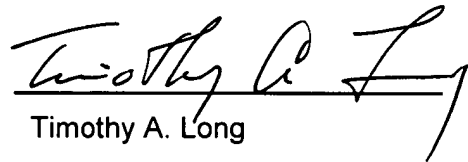
Claim 4 is dependent from independent claim 1, claim 5 is dependent from claim 4 and claims 4 and 5 inherit all of the limitations of the claims from which they depend. Since claim 1 is not obvious from the combination of Monster and Imanaka for the reasons set out above, dependent claims 4 and 5 are not obvious from the combination of Monster and Imanaka for at least the reasons set out above with regard to claim 1. Further, the office action concedes with respect to claim 11, that Monster and Imanaka fail to disclose automatically requesting and scoring a response to a screening question. While the office action asserts that Fredrickson teaches incorporating a screening system with an employment system, the appellants submit that Fredrickson is not prior art to the application for the reasons stated above. The appellants respectfully submit that claims 4 and 5 are not obvious from the combination of Monster, Imanaka, and Fredrickson because the prior art does not disclose all of the claim limitations. The appellants respectfully request reversal of the rejection of claims 4 and 5.

Claim 19 is dependent from independent claim 15, claim 20 is dependent from claim 19 and claims 19 and 20 inherit all of the limitations of the claims from which they depend. Since claim 15 is not obvious from the combination of Monster and Imanaka for the reasons set out above, dependent claims 19 and 20 are not obvious from the combination of Monster and Imanaka for at least the reasons set out above with regard to claim 15. Further, the office action concedes with respect to claim 11, that Monster does not to disclose a screening system for an employment recruiting system and, therefore, relies on Fredrickson for disclosing a screening question template to be associated with an employment position. Likewise the office action relies on Fredrickson for disclosing a screening query scoring instruction as recited in claim 20. For the reasons stated above, the appellants assert that Fredrickson is not prior art to the application. The appellants respectfully submit that claims 19 and 20 are not obvious from the combination of Monster, Imanaka, and Fredrickson because the prior art does not disclose all of the claim limitations. The appellants respectfully request reversal of the rejection of claims 19 and 20.

<u>Conclusion</u>

The Appellants respectfully submit that the Examiner's final rejection of claims 1-20 as obvious under 35 U.S.C. §103 should be reversed and, consequently, the claims should be found patentable.

Respectfully submitted,

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1.    A method of identifying a candidate for a position of employment, said method comprising the steps of:

      (a)    creating a position advertisement including a datum particularizing said position of employment;

      (b)    storing said position advertisement in a computer searchable position database;

      (c)    associating a keyword with said position advertisement;

      (d)    associating a search periodicity with said position advertisement;

      (e)    upon expiration of a period substantially equal to said search periodicity, searching at least one computer searchable candidate database for a candidate resume including said keyword;

      (f)    scoring a candidate resume identified by said search as a function of said keyword; and

      (g)    presenting an identity of a candidate associated with said candidate resume identified by said search to a computer user on a basis of said score.

2.    The method of claim 1 wherein the step of scoring a candidate resume identified by said search as a function of a keyword comprises the steps of:

      (a)    identifying a number of occurrences of said keyword in said candidate resume identified by said search; and

      (b)    comparing said number of occurrences to a threshold number of occurrences.

3.    The method of claim 1 further comprising the steps of:

      (a)    assigning a significance to a keyword; and

      (b)    influencing said scoring of said candidate resume as a function of said significance of said keyword.

4.   The method of claim 1 further comprising the steps of:

    (a)    associating at least one candidate screening question with said position advertisement;

    (b)    upon identification of a candidate resume by said search, automatically requesting a response to said candidate screening question from a candidate associated with said candidate resume identified by said search; and

    (c)    scoring a response by said candidate to said candidate screening question.

5.   The method of claim 4 further comprising the steps of:

    (a)    assigning a significance to said response; and

    (b)    influencing said scoring of said response as a function of said significance of said response.

6.   The method of claim 1 further comprising the steps of:

    (a)    associating an identity of a computer searchable candidate database with said position advertisement; and

    (b)    searching said candidate database associated with said position advertisement upon expiration of a period substantially equal to said search periodicity.

7.   The method of claim 1 wherein the step of searching at least one computer searchable candidate database comprises the steps of:

    (a)    storing an identity of a searchable, computer network accessible, candidate database;

    (b)    upon expiration of a period substantially equaling said search periodicity, accessing said computer network accessible candidate database with a computer;

    (c)    analyzing a text of a candidate resume stored in said computer network accessible candidate database;

    (d)    scoring an occurrence of said keyword in said text of said candidate resume; and

(e)  as a function of said scoring, copying said candidate resume to another candidate data base.

8.  The method of claim 1 wherein the step of creating a position advertisement comprises the steps of:
(a) accessing a position advertisement template, said template comprising of at least one candidate qualification entry; and
(b) including in a candidate qualification entry of said template no more than one candidate qualification.

9.  The method of claim 8 further comprising the step of identifying at least one keyword associated with a candidate qualification entry.

10.  The method of claim 9 further comprising the step of assigning a significance to said keyword.

11.  A method of employment recruiting comprising the steps of:
(a)  creating a position advertisement, including a datum particularizing a position of employment;
(b)  associating a keyword with said position advertisement;
(c)  storing said position advertisement and said keyword in a computer searchable database;
(d)  associating a search periodicity parameter in a computer searchable database;
(e)  in response to expiration of a period substantially equal to said search periodicity parameter, initiating a computer search of at least one computer searchable candidate database for a candidate resume including said keyword;
(f)  scoring a candidate resume identified by said search as a function of said included keyword;

(g)     including an identification of a candidate associated with said candidate resume in a result reportable to a computer user if said keyword score of said candidate resume at least equals a threshold keyword score;

(h)     in response to a determination that said keyword score at least equals said threshold keyword score, automatically contacting said candidate and requesting a response to at least one screening question associated with said position advertisement;

(i)     scoring a response of said candidate to said screening question; and

(j)     reporting said screening question response score in a search result presented to said computer user.

12.     The method of claim 11 further comprising the steps of:

(a)     requesting said candidate approve contact with an employment reference;

(b)     upon receipt of said approval, automatically requesting a response of said employment reference to at least one reference query; and

(c)     reporting said response to said reference query in a search result presented to said computer user.

13.     The method of claim 11 further comprising the steps of:

(a)     assigning a significance to said keyword; and

(b)     influencing said keyword score of said candidate resume as a function of said significance of said keyword.

14.     The method of claim 11 further comprising the step of automatically repeating said search in response to expiration of a period substantially equal to said search periodicity parameter associated with said position advertisement.

15.     An employment recruiting system comprising:

(a)     a searchable first data structure storing data associated with an employment position, said data including a keyword;

(b)     a searchable second data structure storing data related to a candidate for employment including a candidate resume; and

(c)  a data processing device to search said second data structure for a candidate resume including said keyword, said search proceeding in response to expiration of a search periodicity associated with said employment position.

16.  The system of claim 15 further comprising:

(a)  a searchable third data structure, accessible from a computer network, said third data structure storing at least one candidate resume; and

(b)  a network interface enabling said data processing device to search said third data structure for a candidate resume including said keyword.

17.  The system of claim 15 wherein said data processing device comprises:

(a)  a parser instruction to decompose said candidate resume to text; and

(b)  a matching instruction to identify a character string corresponding to said keyword in said text.

18.  The system of claim 15 wherein said data processing device comprises a resume scoring instruction to score said candidate resume as a function of an occurrence of a character string corresponding to said keyword.

19.  The system of claim 15 wherein said data processing device comprises:

(a)  a position advertisement template user interface including at least one candidate qualification entry to be associated with said employment position; and

(b)  a screening question template user interface comprising at least one candidate screening query to be associated with said employment position.

20.  The system of claim 18 wherein said resume scoring instruction further comprises a screening query scoring instruction to score a response to a candidate screening query as a function of a significance weight associated with said candidate screening query.

EXHIBIT A

# IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant :  Shah, Chetan

Serial No.: 09/757,322

Filed   : 01/09/01

Title   : EMPLOYMENT RECRUITING SYSTEM

Group Art Unit: 3629

Examiner:  Ouellette, Jonathan P

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February 11, 2003

**RECEIVED**

JUL 0 8 2003

Assistant Commissioner for Patents
Washington, DC 20231

**GROUP 3600**

## DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME A CITED PATENT OR PUBLICATION (37 CFR '1.131)

Dear Sir:

### PURPOSE OF THE DECLARATION

1. This declaration is to establish completion of the invention in this application in the United
   States, at a date prior to June 8, 2000, the filing date of the Provisional Patent Application
   No. 60/210,206, the benefit of which is claimed by Thomas, U.S. Patent Application
   Publication, US 2002/0055870A1 that was cited as prior art by the examiner.

2. The persons making this declaration are inventors.

### FACTS AND DOCUMENTARY EVIDENCE

3. To establish the date of completion of the invention of this application, the following attached
   document is submitted as evidence: EZRECRUIT SYSTEM REQUIREMENTS DOCUMENT
   (DRAFT), R vision 0.3, 2/14/2000. The document is a high level specification describing the
   invention that is the subject of this application. From this document, it can be seen that the

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invention in this application was made at least by February 14, 2000 which is a date earlier than the ffective date of the reference.
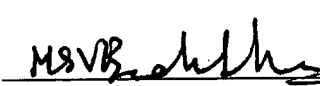
4. This declaration is submitted prior to final rejection.

## DECLARATION

5. As a person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

| | | |
|---|---|---|
| Inventor's signature | | Date 2/18/2003. |
| First inventor | Chetan Shah | |
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| | | |
|---|---|---|
| Inventor's signature | | Date 2/18/2003. |
| Second inventor | Badri Malynur | |
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